

**WAUKESHA COUNTY  
MINUTES OF THE PARK AND PLANNING COMMISSION  
THURSDAY, AUGUST 4, 2005, 1:00 P.M.**

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**CALL TO ORDER**

Walter Baade, Chairperson, called the meeting to order at 1:00 p.m.

Commission

Members Present:	Walter Baade	Pat Haukohl	Walter Kolb
	Ellen Gennrich	Betty Willert	Gary Goodchild

Commission

Members Absent: Mareth Kipp

Staff

Members Present: Richard L. Mace, Planning and Zoning Manager  
Amy Barrows, Senior Land Use Specialist  
Kathy Brady, Secretary Supervisor

Guests Present:	Harlan Clinkenbeard	Norm Hausser	Rhoda & Jim Flagg
	Scott Bence	Brian Depies	Henry Elling
	Attorney Kobriger		

**CORRESPONDENCE**

**MEETING APPROVAL**

**MINUTES**

**PUBLIC COMMENT**

Chairperson Baade asked if anyone from the audience wished to address the Commission? There being no one, he moved to the next item on the agenda.

Mrs. Haukohl requested that at a future Commission meeting there be a discussion on the percent of disturbance allowed within the Primary Environmental Corridor to construct a residence. Mrs. Gennrich requested that Mr. Kavemeier, Parks System Manager, present to the Commission a Parks System update at a future meeting. Mrs. Haukohl asked specifically that Fox River Park be discussed.

• **ZT-1580 (Text Amendment) Town of Mukwonago**

Mr. Mace presented the "Staff Report and Recommendation" dated August 4, 2005, and made a part of these Minutes. He indicated the proposed request includes amendments to the text of the Town of Mukwonago Zoning Ordinance, amending the definition of offset, setback and overhang and provides a special exception procedure for accessory structures larger than those allowed under normal zoning district regulations.

Mr. Mace indicated the Town of Mukwonago Building Inspector brought to the attention of the Town Board that Waukesha County and the Town were not administering the setback and offset distances the same. The Town would like to be consistent with the County and they have clarified their definition and language to indicate that the first 24" of overhang is not part of the offset. Mrs. Gennrich wondered if the language regarding exceeding the square footage requirements for riding arenas was linked to the size of the lot? Mr. Mace replied, "No", there are minimum standards for each district.

*After discussion, Mrs. Willert moved, seconded by Mrs. Haukohl and carried unanimously for approval, in accordance with the “Staff Report and Recommendation”.*

• **1:15 p.m. SVZ-1568 (Bielinski Homes, Inc.) City of Pewaukee, Section 18**

Mr. Mace presented the “Addendum to the Staff Report and Recommendation” dated August 4, 2005, and made a part of these Minutes. He pointed out the location of the properties at N26 W27293 and W273 N2524 Prospect Avenue, in the City of Pewaukee on the aerial photograph.

Mr. Mace indicated at the June 30, 2005, Park and Planning Commission meeting, the matter was referred back to the City of Pewaukee Plan Commission for reconsideration and the need to discuss the option of access from the development to the southeast. The Town Plan Commission has indicated they are not in support of extending Shelley Lynn Drive or a connection with Fieldhack Drive. However, the Town Plan Commission decided there would be two accesses, one through the proposed development and one connecting to Orchard Lane (future development to the east) both to C.T.H. “SS”. Mrs. Haukohl asked if there is an agreement between the two Developer’s regarding extending access from Orchard Lane? Mr. Mace said the City of Pewaukee Plan Commission and Planner would make sure it is addressed. Mr. Clinkenbeard, City of Pewaukee Planner submitted a corrected copy of the July 21, 2005, City of Pewaukee Plan Commission Minutes, which included the motion the Plan Commission took on this matter.

Mrs. Gennrich asked if filling was allowed on hydric soils and wondered if they were wetlands? Mr. Mace replied, “Yes”, filling is allowed, but in this case the hydric soils are not wetlands. Mr. Depies, from Bielinski Homes, Inc. said that tests have been completed and the only area in question is in the northwest corner of the property. Borings were taken throughout the site showing the groundwater elevations. In the northwest corner, there is a perched water table where water is located at approximately four to five feet, and below that area there is another water table caused by clay soils. On the Grading Plans it is verified that even if there is not a perched water table, the basement elevations would still meet the requirements of being a few feet above that level. Mr. Mace pointed out the hydric soils on the aerial photograph. Mr. Clinkenbeard said the City of Pewaukee does not allow filling/building on a wetland or a floodplain. He pointed out on the Preliminary Plat, that the City Plan Commission approved the Plat with the exceptions of Lots 1, 2, 3, 56, 57 and 58 in the northwest corner of the property until it can be proved that the lots can be built on without filling. In addition, the six lots will remain in open space unless they can be developed. Mrs. Gennrich asked what the open space requirement is in the R 3 Residential District? Mr. Mace replied, the minimum lot size is 14,000 sq. ft. and without sewer, 20,000 sq. ft.

*After discussion, Mrs. Haukohl moved, seconded by Mrs. Willert and carried unanimously for approval, as conditioned, in accordance with the “Addendum to the Staff Report and Recommendation”. The approval of this request, will allow the petitioner a reasonable use of his land and still promote and meet the intent and purposes of all County Ordinances.*

• **SZ-1527 (Waukesha County Department of Parks and Land Use) Town of Brookfield, Section 29**

Mr. Mace presented the “Staff Report and Recommendation” dated August 4, 2005, and made a part of these Minutes. He pointed out the various locations for the floodplain amendments to various reaches of Deer Creek, Poplar Creek and the Fox River on the aerial photograph in the Town of Brookfield.

Mr. Mace indicated the request was on the previous Commission meeting of July 21, 2005. The specifics of what zoning categories, which would be placed within the areas of change, was not available at that meeting. He pointed out on the map, the areas which have been removed from the currently

mapped floodplain and which areas are added to the currently regulated floodplain along with the new zoning categories. He further explained, where new floodplain is added it will be C-1 Conservancy District and where it is decreased and more than 300' from a river, the jurisdiction would disappear.

*After discussion, Mrs. Gennrich moved, seconded by Mr. Kolb and carried unanimously for approval, in accordance with the “Staff Report and Recommendation”.*

• **1:45 p.m. ZT-1579 (Text Amendment) Town of Summit**

Mr. Mace presented the “Staff Report and Recommendation” dated August 4, 2005, and made a part of these Minutes. He indicated the proposed request includes amendments to the text of the Town of Summit Zoning Code including maximum building height, definitions of accessory and principal structures, provisions to the district regulations for Estate, Country, Town, Cottage and Duplex Residential Districts, along with amendments to rezone two specific areas regarding the Riverline Subdivision and the Whitaker Lane properties from the R-2 Country Residential District to the R-3 Town Residential District.

Mr. Mace said the kennel provision portion of the amendment was removed because the Planning and Zoning Division Staff felt the language was not clear. The Staff and the Town will meet to further discuss the kennel provision. Mrs. Haukohl asked why there wasn't an open space requirement for the Duplex District? Mr. Elling, Town of Summit Planner, said no change was made to the Duplex classification and the same requirements (40%) would apply. Mr. Mace said there is a standard in the Ordinance currently, which is 40% of the project area in the Duplex District. Mrs. Gennrich suggested removing the wording “except no provision is made for open space minimums in the conservation development requirements for the Duplex Residential” from the last sentence of the third paragraph on Page 2 of the “Staff Report and Recommendation” under Other Considerations, and Mrs. Haukohl suggested adding the wording “County and Town's Land Use Plans” in the first sentence under “Compliance with the Waukesha County Development Plan and Town of Summit Land Use Plan” on Page 1 of the “Staff Report and Recommendation”. The Staff and Commission agreed. Mr. Mace noted with respect to the Riverline Subdivision and Whitaker Lane Development map amendments, the properties are being modified to more properly reflect the platted areas of the lots.

*After discussion, Mrs. Haukohl moved, seconded by Mrs. Gennrich and carried unanimously for approval, in accordance with the “Staff Report and Recommendation”, as corrected.*

• **SZT-1572 (S & T North Shore, LLC) Town of Brookfield, Section 29 (B-3 General Business District to the R-3 Residential District (County) and from the B-2 Limited General Business District to the RM-2 Multi-Family Residential District with a Planned Unit Development Overlay District (Town)**

Mr. Mace presented the “Staff Report and Recommendation” dated August 4, 2005, and made a part of these Minutes. He pointed out the location of the property, west of Poplar Creek, in the Town of Brookfield on the aerial photograph.

Mr. Mace indicated the petitioners received approval for a Waukesha County Development Plan amendment earlier this year for the property. The petitioners are requesting to rezone the property for a 37 to 40-unit condominium project on 4.45 acres. Mrs. Gennrich asked if the parking easement issue had been resolved? Mr. Mace said it would be a requirement of the Conditional Use. The Planning and Zoning Division Staff is recommending approval of the request subject to two conditions on the Shoreland amendment. The Shoreland Ordinance would allow approximately 22 to 24 units, based on

one unit per 8,000 sq. ft. rather than the 37 to 40 proposed and a Conditional Use shall be applied for and approved.

Mrs. Gennrich asked if the southern portion of the property was completely floodplain? Mr. Mace replied, "No", and indicated on the map the location of the floodplain. He also noted that Jennifer Drive presently serves the property and a proposed Lexus service facility to the south. The Developer's intent is to extend the road northerly and westerly to connect with an existing private drive on the north side of the Elite Tennis Club property, which extends to Barker Road. The road will be private and cross easements will be provided so that access can be from both Barker Road and Bluemound Road. Mr. Goodchild asked when the stormwater runoff and ingress and egress issues would be addressed, to which Mr. Mace replied "During the Conditional Use stage of the project."

Attorney Kobriger (petitioner's attorney) said the property is presently zoned for business development, however, the Town approved the rezoning to residential so there would be less traffic and felt it would be a less intense use. Mr. Goodchild asked if the property would be sewer? Attorney Kobriger, replied, that it has been approved and there is a Development Agreement which has been signed and recorded that provides for the sewer and water.

*After discussion, Mrs. Gennrich moved, seconded by Mrs. Willert and carried unanimously for approval, as conditioned, in accordance with the "Staff Report and Recommendation". The approval of this request, will allow the petitioner a reasonable use of his land and still promote and meet the intent and purposes of all County Ordinances.*

• **SCU-1408 (Wisconsin Department of Natural Resources) Town of Merton, Section 30**

Mr. Mace presented the "Staff Report and Recommendation" dated August 4, 2005, and made a part of these Minutes. He pointed out the location of the property at W331 N6020 C.T.H. "C" in the Town of Merton on the aerial photograph and stated the DNR is requesting Conditional Use approval for the construction of a public boat launch facility on the south shore of Moose Lake.

Mr. Mace indicated that access to the site will be from C.T.H. "C". Mr. Kolb asked how much lake frontage is on the property, to which Mr. Mace replied approximately 200'. He noted, the development of the access facility was a partnership between the State and the County with the County participating with a financial contribution approved by the County Board. He presented Site Plans to the Commission showing the location of the parking spaces, boat launch, floating pier and an additional pier for fishing. In addition, the Moose Lake Advancement Association is in favor of the request.

*After discussion, Mrs. Gennrich moved, seconded by Mrs. Haukohl and carried unanimously for approval, as conditioned, in accordance with the "Staff Report and Recommendation". The approval of this request, will provide a necessary public facility to allow access to Moose Lake.*

• **CU-1056A (Highview Evangelical Presbyterian Church/Norm Hausser) Town of Genesee, Section 30**

Mr. Mace presented the "Staff Report and Recommendation" dated August 4, 2005, and made a part of these Minutes. He pointed out the location of the property at S50 W33042 Road GE in the Town of Genesee on the aerial photograph and stated the petitioner is requesting Conditional Use approval for the expansion of the existing parking lot, construction of a new sign, replacement of the existing sign and an addition to the existing church.

Mr. Mace indicated the petitioner is proposing to add 24 parking spaces and an additional free-standing sign on the northeast side of the property and a future 7,995 sq. ft. addition to the existing church. Mrs. Haukohl asked for clarification of Condition No. 17. Ms. Barrows, Senior Land Use Specialist explained that the addition will be built in the future, however, the Staff did not want the petitioner's to have to come back before the Commission at a later date and for another public hearing to be held. Therefore, Conditions No. 11 and 13 referring to the parking lot, signage, septic system and State approved plans do not need to be complied with at this time, rather when the Zoning Permit for the addition is applied for.

*After discussion, Mrs. Haukohl moved, seconded by Mr. Goodchild and carried unanimously for approval, as conditioned, in accordance with the "Staff Report and Recommendation". The approval of this request, will allow the petitioner a reasonable use of his land and still promote and meet the intent and purposes of all County Ordinances.*

- **PO-05-GNT-13 (Highview Evangelical Presbyterian Church/Norm Hausser) Town of Genesee, Section 30**

Mr. Mace presented the "Staff Report and Recommendation" dated August 4, 2005, and made a part of these Minutes. He pointed out the location of the property at S50 W33042 Road GE in the Town of Genesee on the aerial photograph and stated the petitioner is requesting Site Plan/Plan of Operation approval for the expansion of the existing parking lot, construction of new sign, replacement of the existing sign and an addition to the existing church.

Mr. Mace indicated the matter is related to the previous Conditional Use request CU-1056A.

*After a brief discussion, Mrs. Haukohl moved, seconded by Mr. Goodchild and carried unanimously for approval, as conditioned, in accordance with the "Staff Report and Recommendation". The approval of this request, will allow the petitioner a reasonable use of his land and still promote and meet the intent and purposes of all County Ordinances.*

- **Amend the Regional Water Quality Management Plan for the City of Muskego, Sections 17 and 18**

Mr. Mace presented the "Amendment to the Regional Water Quality Management Plan for the City of Muskego" dated June 2005, and made a part of these Minutes.

Mr. Mace indicated the purpose of the amendment is to include within the planned sewer service area certain lands located immediately adjacent to, but outside of, the currently adopted sewer service area to accommodate a planned residential use.

*After a brief discussion, Mrs. Gennrich moved, seconded by Mr. Kolb, and carried unanimously, for approval in accordance with the "Regional Water Quality Management Plan for the City of Muskego".*

- **Amend the Regional Water Quality Management Plan for the City of New Berlin, Section 21**

Mr. Mace presented the "Amendment to the Regional Water Quality Management Plan for the City of New Berlin" dated June 2005, and made a part of these Minutes.

Mr. Mace indicated the purpose of the amendment is to include within the planned sewer service area certain lands located immediately adjacent to, but outside of, the currently adopted sewer service area to accommodate a public elementary school.

*After brief discussion, Mrs. Haukohl moved, seconded by Mrs. Willert, and carried unanimously, for approval in accordance with the “Regional Water Quality Management Plan for the City of New Berlin”.*

• **(J.B.J. Development Company) Town of Brookfield, Section 29**

Mr. Mace presented the “Addendum to the Staff Report and Recommendation” of a comprehensive Land Use Plan amendment dated August 4, 2005, and made a part of these Minutes. He pointed out the location of the property on the aerial photograph.

Mr. Mace indicated the proposed amendment to the Waukesha County Development Plan was tabled by the Waukesha County Land Use Parks and Environment Committee (LUPE) on April 19, 2005. The Committee expressed concerns regarding the shoreland jurisdiction on the property, access to Janacek Road and the number of dwelling units allowed on the site. In addition, there were concerns regarding whether the pond located northwest of the property was a legal and navigable body of water. Subsequently, field inspections of the area identified that the pond was built illegally between 1990 and 1995. The DNR is requiring that the Town of Brookfield (current owner of the property) remove the dam so the area can return to a wetland. The Town has also agreed (under the new Development Plan) that access shall be provided through the Town’s property to Janacek Road. The Staff is also requiring that access to the property via Elizabeth Court be gated and used for police and fire department use only. Mrs. Haukohl asked about the height of the buildings? Mr. Mace responded, the initial plan proposed was for 77 units and a fairly tall building. However, with the reduced number of units, which is currently 52 units it would reduce the building by one floor. Mrs. Haukohl also expressed concerns with the lighting for the project to which Mr. Mace indicated that it would be addressed in the Conditional Use. Mrs. Willert asked what, if any action should be taken by the Commission today? Mr. Mace replied the Commission is being asked to endorse the changes, which have been made and indicate to the LUPE Committee that the Commission concurs with the changes.

*After discussion, Mrs. Haukohl moved, seconded by Mr. Goodchild and carried unanimously for approval, as conditioned, in accordance with the “Addendum to the Staff Report and Recommendation and Resolution”.*

**ADJOURNMENT**

*With no further business to come before the Commission, Mrs. Gennrich moved, seconded by Mrs. Willert to adjourn at 3:15 p.m.*

Respectfully submitted,

Ellen Gennrich  
Secretary

EG:kb